

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 4:16CR66 RLW (JMB)
)
OLEG DEYCH, and) Defendant No. 4
VOLODYMYR ZYUZ,) Defendant No. 6
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge John M. Bodenhausen. (ECF No. 505) Defendants Oleg Deych (“Deych”) and Volodymyr Zyuz (“Zyuz”) filed separate Motions to Suppress Wiretap Evidence. (ECF Nos. 323, 405) The Government filed a single Response in Opposition to Defendants’ Motions to Suppress. (ECF No. 421) Magistrate Judge Bodenhausen held an evidentiary hearing on the Motions to Suppress on November 1, 2017. (ECF No. 463) Defendant Zyuz and his attorney were present at the evidentiary hearing. Defendant Deych and his attorney did not attend the hearing due to Deych’s unavailability. Defendant Zyuz also filed post-hearing brief on November 29, 2017, and the Government filed a response on December 6, 2017. (ECF Nos. 481, 486) During a hearing before Magistrate Judge Bodenhausen on December 1, 2017, Deych and his attorney represented that Deych would rest on the record developed by co-defendant Zyus and his attorney and on the post-hearing brief filed by Zyuz. (ECF Nos. 483, 484)

Pursuant to 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Bodenhausen, who filed a Report and Recommendation on December 29, 2017. (ECF No. 505) The Magistrate Judge recommends that the Motions to Suppress Wiretap Evidence filed by

Defendants Oleg Deych and Volodymyr Zyuz be denied. Only Defendant Deych filed an objection to the Report and Recommendation. (ECF No. 506) The Government did not file a response, and the time for doing so has expired. Defendant Deych summarily objects to Magistrate Judge Bodenhausen's Report and Recommendation and requests that this Court conduct *de novo* review of Defendant's motion to suppress, along with all accompanying legal memorandum and the hearing transcript. Defendant Deych fails to provide any countervailing rationale for his position, other than the arguments previously raised before the Magistrate Judge. The Court finds that Defendant Deych's objections are not persuasive.

Magistrate Judge Bodenhausen recommends that the Motions to Suppress Wiretap Evidence be denied. (ECF Nos. 323, 405) After *de novo* review of this matter, the Court adopts the Magistrate Judge's recommendation.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge as to Defendants Oleg Deych and Volodymyr Zyuz (ECF No. 505) is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

IT IS FURTHER ORDERED that the Motions to Suppress Wiretap Evidence filed by Defendants Oleg Deych and Volodymyr Zyuz (ECF Nos. 323, 405) are **DENIED**.

Dated this 25th day of January, 2018.


RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE